IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Summons for Judgment No.360 of l986
in
Sum Suit No.705 of l986

M/s Bombay Sales Agencies ...Plaintiffs

vs

M/s Eskay Packing & anr ...Defendants

Mr Tushar Joshi for plaintiffs

CORAM: S.U.KAMDAR J.

Dated 5.l0.2005

P.C:

. This summons for judgment is pending for determination whether leave to be granted or not to defend the suit from last l9 years. The matter was on board on 28.9.2005 but none appeared. In view thereof I had directed the office to issue notice to the plaintiffs and defendants and their advocates. Notices have been issued on 29.9.2005. Inspite of such notices none appears for the plaintiffs. As far as defendants are concerned both notices to the defendants as well as advocates have come back saying that office is shifted. In

my opinion present summons for judgment cannot be kept pending indefinitely. In that view of the matter unconditional leave to defend the suit is granted to the defendants. Suit is transferred to the list of Commercial Cause. Written statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be posted on board of the learned Judge taking Commercial Cause. Summons for judgment is dismissed.